

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 16, 1994

ALL-COUNTY LETTER NO. 94-97

Reason for this Transmittal

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL GAIN COORDINATORS

SUBJECT: QUESTIONS AND ANSWERS ON THE IMPLEMENTATION OF SENATE
BILL (SB) 35 AND SB 1078 CHANGES TO THE GAIN PROGRAM

REFERENCE: ALL COUNTY INFORMATION NOTICE I-30-93
ALL COUNTY LETTER 94-12
ALL COUNTY LETTER 94-31

Enclosed are responses to questions submitted subsequent to the training on the implementation of provisions of SB 35 and SB 1078 (Chapters 69 and 1252, Statutes of 1993). The questions are listed under the following headings: Aid to Families with Dependent Children-Unemployed (AFDC-U) Parent Participation Requirements, One-Time-Through, Application of Work Expense Disregard, Cal-Learn, Good Cause, Conciliation, and Sanctions.

If you have questions regarding this letter, please call your Employment Operations analyst at (916) 657-3403.

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Enclosure

c: CWDA

QUESTIONS AND ANSWERS
ON IMPLEMENTATION OF SB 35 AND SB 1078

AID TO FAMILIES WITH DEPENDENT CHILDREN UNEMPLOYED (AFDC-U)
PARENTS PARTICIPATION REQUIREMENTS
(MPP 42-775)

1. Should a county give priority to AFDC-U parents in serving and/or phasing in its GAIN caseload?

Counties have the authority to prioritize services pursuant to MPP 42-720.324. For those counties in cost reduction, requirements at MPP Section 42-720.63 apply to all potential and existing participants, including AFDC-U parents who are members of the target populations listed at MPP Section 42-720.635.

2. If the parent meeting the AFDC-U 16-hour work requirement is sanctioned for noncompliance, and the second parent is participating in a non-work activity, is the second parent required to meet the 16-hour work requirement?

Second parents participating in non-work activities are not required to meet the 16-hour work requirement and should be allowed to complete their current contracts. However, if the first parent is still under sanction when the second parent completes the non-work activity, the second parent must meet the AFDC-U participation requirements in accordance with MPP Section 42-775, unless s/he becomes exempt or deferred.

3. Does the Department of Rehabilitation's "Supported Employment" activity meet the AFDC-U 16-hour work requirement?

Supported Employment is defined by the Department of Rehabilitation as "competitive work in integrated work settings for individuals with the most severe disabilities." Supported Employment would meet the 16-hour work requirement provided its characteristics meet the definition of one of the allowable work activities. The county would make this determination on a case-by-case basis. It is likely to qualify as either unsubsidized employment or OJT.

4. Can a parent in an AFDC-U case be assigned to back-to-back short-term PREP activities?

Yes, if the assignments are consistent with the parent's employment goal or plan.

5. What happens if both parents in an AFDC-U case are exempt or deferred?

If both parents are exempt or deferred, they are not subject to the AFDC-U participation requirements. However, second parents are no longer deferred solely on the basis that the other parent is participating in GAIN.

6. In those counties in which none of the work activities described in MPP Section 42-775.3 are available, what should be required of a parent in an AFDC-U case? For example, a county's PREP assignments are currently occupied, the county does not offer on-the-job training or grant diversion funded components, and the participant is neither in need of education services nor able to locate unsubsidized employment. Is the parent required to participate? Should the parent be put on a waiting list for the work activity?

Yes, the parent is required to participate. If the parent is not exempt or deferred, s/he should be assigned to the appropriate GAIN activity available within the county, e.g., job club, job search, assessment. Where possible, the parent should be assigned to a component having participation requirements which will later be compatible with concurrent assignment to a work activity. Upon completion of a non-work activity, a parent should not be put into an unassigned pool while awaiting work activities, but should be placed in the next available component, consistent with her/his employability plan. However, the county may informally keep track of parents who need work assignments by using waiting lists. The parent would not be subject to the 16-hour work requirement until such time as one of the work activities identified in MPP Section 42-775.3 becomes available.

7. If both parents in an AFDC-U case are referred to PREP assignments, are the hours for which each parent is required to participate calculated based on the entire grant or their portion of the grant?

In accordance with MPP Section 42-730.323, the entire grant is used when calculating the number of hours for which each parent must participate in her/his PREP assignment.

8. If an AFDC-U parent agrees to use unsubsidized employment as their work activity, can the county require the participant to submit to the GAIN worker pay stubs containing proof of hours worked or will the CA 7 documentation be sufficient?

CA 7 documentation would be sufficient to verify the continued employment of the participant. However, to allow timely payment of supportive services by GAIN and to verify that costs claimed are necessary and directly related to the participant's employment, the county may request additional information not contained within CA 7 documentation.

9. Can an AFDC-U parent under age 25 be referred to ESL, followed by ABE and or GED preparation?

An AFDC-U parent under age 25 who has not earned a high school diploma or its equivalent may participate in an educational activity in lieu of a work activity (see MPP Section 42-775.5). As with other GAIN participants, AFDC-U parents are limited to one education component, e.g., ABE, GED, or ESL prior to assessment. Following assessment, the participant may be assigned to additional education services consistent with her/his employment plan.

10. Has the age used to determine whether an AFDC-U parent is a member of the target group identified in MPP Section 42-720.635(c)(2) been changed from "under 24" to "under 25"?

No. All GAIN participants under age 24 who lack a high school education are members of the target population listed in MPP Section 42-720.635(c)(2). In accordance with federal regulations that permit assignment of an AFDC-U parent under age 25 to a needed educational activity, MPP Section 42-775.5 has been added solely as a participation option for parents in AFDC-U cases.

11. When an AFDC-U parent completes a contract signed prior to January 1, 1994, must that parent immediately fulfill the 16-hour work requirement without an opportunity for job search? Can concurrent participation in job search and a qualifying employment activity be required?

Upon completion of her/his contract, the parent must participate according to MPP Section 42-775 unless her/his spouse is meeting or is willing to meet the 16-hour work requirement. Concurrent participation in job search and a work activity may be required as necessary to meet the parent's employment goal.

12. In a stepparent case with no child in common, do AFDC-U regulations apply?

No. This is not an AFDC-U (category 35) case, and AFDC-U participation regulations do not apply. Although one or both parents may be unemployed, AFDC deprivation is based on the absence of one of the natural parents. If neither parent in a stepparent case is exempt, both would be required to participate in GAIN following the regular GAIN flow.

ONE-TIME THROUGH
(MPP 42-774)

13. Do the one-time-through provisions apply to counties that are not in cost reduction?

One-time-through provisions do not apply in counties which are not in cost reduction, except for those infrequent occasions when other clear and identifiable circumstances such as natural disasters prevent them from providing services to all eligible mandatories and exempt volunteers. When this is the case one-time-through provisions would apply.

14. Do the one-time-through provisions apply to AFDC-U parents?

Yes. GAIN statute requires application of the one-time-through provisions to parents in AFDC-U cases when, following assessment, the parent completes one of the activities identified in MPP Section 42-774.21. However, most AFDC-U parents who fulfill the 16-hour work requirement will be assigned to their GAIN activity prior to assessment and will not be subject to the one-time-through provisions following completion of the activity. The Department will amend existing regulations for consistency with GAIN statute.

15. If the employment plan signed prior to April 1, 1994, provided for PREP upon completion of the vocational training activity, does the one-time-through provision apply?

One-time-through provisions are effective April 1, 1994, and do not apply retroactively. Therefore, participants who signed participation contracts prior to April 1, 1994, must be allowed to complete all GAIN activities identified in their contracts.

16. Do the one-time-through provisions apply to participants who have completed a restricted activity and subsequently reenter GAIN after a break in AFDC?

Regardless of whether there has been a break in aid, the one-time-through provisions do not apply retroactively to program activities completed prior to April 1, 1994. However, those who complete restricted training or education activities on or after April 1, 1994, and subsequently reenter GAIN after a break in aid are subject to the one-time-through provisions and are eligible for job services only. Eligibility for other GAIN services would only be restored if extenuating circumstances have developed or the participant reenters GAIN in a county that is able to serve all registrants (i.e., mandatory participants and exempt volunteers).

17. If an individual is ineligible for further GAIN services due to the one-time-through provision and then moves to another county, is s/he still ineligible for GAIN services?

If the county to which the participant moves has the ability to serve all eligible registrants (individuals who are mandatory and exempt volunteers), the participant may receive further GAIN education and training services as deemed appropriate. However, if the county is unable to serve every eligible registrant who needs services, the individual may receive only job services in accordance with the one-time-through provisions. Also, it is important to note that differences between counties (e.g., labor market, licensing, etc.) may create extenuating circumstances for one-time-through participants in one county where there were none in another county.

18. If the GAIN participant is unable to finish post-assessment vocational training in the two-year period, does the one-time-through provision apply?

No. One-time-through regulations apply to participants who have completed their activities. GAIN participants who fail to complete their post-assessment training with good cause would be able to continue their training. Those participants who fail to complete their activities without good cause should be referred to long term basic PREP.

19. For purposes of cost reduction, can the county not count the one-time-through participants as mandatories, in order to serve others who have not yet received GAIN services?

One-time-through participants remain mandatory, but to the extent they are denied further education or training services, the county's resources should be diverted to unserved individuals.

APPLICATION OF WORK EXPENSE DISREGARD
(MPP 42-750.7)

20. Can the work expense disregard NOAs be issued by case management contractors?

Yes, provided all contractor-prepared NOAs use state-prescribed NOA language and formats and are issued according to MPP Section 42-750.8 and MPP Division 22.

21. The county provides bus passes; do the new work expense disregard rules mean that the county can no longer provide bus passes to participants in OJT or grant diversion assignments?

Requirements for application of the work expense disregard do not prohibit a county from providing bus passes to eligible participants. However, after the first month in an OJT or grant diversion assignment, the work expense disregard is applied against the request for payment of ongoing transportation and ancillary expenses. In those instances where the cost of a bus pass exceeds the remainder of expenses claimed after deduction of the work expense disregard, the county would not be able to provide the bus pass.

CAL-LEARN

22. Will Cal-Learn participants be reported on the GAIN 25?

No. Cal-Learn participation data is reported on the Cal-Learn Program Teen Parent Monthly Status Report form.

GOOD CAUSE, CONCILIATION AND SANCTIONS
(MPP 42-782, 42-781 and 42-786)

23. In determining whether a participant had good cause for failing to comply with the terms of a conciliation plan, how much time should the CWD give the participant to respond to its attempts at written or telephone contact before a cause determination is made based on available information?

The participant shall be given ten working days following the discovery of her/his failure to comply with an agreed upon conciliation plan to demonstrate good cause for the noncompliance. To insure that the participant has sufficient time to present good cause evidence prior to a cause determination, the CWD shall immediately attempt to contact the participant in writing or by telephone when it learns of the plan violation.

24. When sanctions are lifted for AFDC-U second parents as a result of new exemption, deferral, and good cause regulations, to what date should aid be restored?

Counties are required to restore aid for any period of time that an AFDC-U second parent was incorrectly under sanction on or after January 1, 1994, in accordance with the new regulations. Counties are not required to restore aid for sanction periods that ended prior to January 1, 1994. The recommended one-time Notice of Action (NOA) issued in All County Letter 94-12 may be used for this purpose.